

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CHAYANNE GARCÍA BARBOSA Plaintiff Vs. PUERTO RICO ELECTRIC POWER AUTHORITY (“Autoridad de Energía Eléctrica”) Defendant	CIVIL NO. 14- PLAINTIFF DEMANDS TRIAL BY JURY
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C O M P L A I N T

TO THE HONORABLE COURT:

NOW COMES plaintiff, Chayanne García Barbosa, through the undersigned attorneys, Troncoso & Schell, and very respectfully states, alleges and prays as follows:

I. JURISDICTION, VENUE AND PARTIES

1. Jurisdiction is predicated upon Diversity of Citizenship, 28 U.S.C. sec. 1332, inasmuch as plaintiff Mr. Chayanne García Barbosa is a resident of the State of New Jersey; defendant Puerto Rico Electric Power Authority (Autoridad de Energía Eléctrica) (hereinafter “PREPA”) is a public corporation organized and existing under the laws of the Commonwealth of Puerto Rico, with its principal place of business in the Commonwealth of Puerto Rico; and the amount in controversy exceeds the sum of \$75,000.00, excluding interest and attorney’s fees.

2. Venue is proper in this district pursuant to 28 U.S.C. §1391(a) in that a substantial part of the events or omissions giving rise to the claims alleged occurred within this district.

3. Plaintiff, Mr. Chayanne García Barbosa, is of legal age, and resident of 3700 New Jersey Ave., Apt. D2, Wildwood, N.J. 08260.

4. Defendant Puerto Rico Electric Power Authority (“Autoridad de Energía Eléctrica”) (hereinafter “PREPA”) is a public corporation organized and existing under the laws of the Commonwealth of Puerto Rico, and on August 16, 2011, was the registered owner of a truck vehicle International, model 7300, year 2006, P.R. license plate no. H-46381, with a trailer with license plate no. 100278-A, as well as the employer of Mr. Luis Jordán Martínez.

II. FACTS

5. On August 16, 2011, at about 9:35 a.m., Plaintiff, Chayanne García Barbosa drove his 1996 Mitsubishi Montero, license plate no. FGG-444, along Camino de las Flores Street, in Camuy, P.R., in a north to south direction. At that same time, Mr. Luis Jordán Martínez, with the express consent, during the course of his employment and/or for the economic benefit of PREPA, drove PREPA’s 2006 International 7300, license plate no. H-46381 and its corresponding trailer, license plate no. 100278-A, along Road #2, in Camuy, P.R., in an east to south direction.

6. While Plaintiff, Chayanne García Barbosa, drove with the right of way and was crossing the intersection of Camino de las Flores St. and Road #2, Mr. Jordán Martínez, PREPA’s employee and driver of the 2006 International 7300, license plate no. H-46381, did not stop at the red light. As a result, PREPA’s vehicle hit plaintiff’s vehicle on the left side.

7. As a result of the collision, Plaintiff suffered serious physical damages, particularly to his left shoulder, chest, neck and back, as well as mental anguish. Further, Plaintiff's vehicle suffered extensive damages.

8. After the occurrence of the accident, the Puerto Rico Police was summoned, who proceeded to investigate the accident under claim no. (querella) 11-02-393-2609 and Mr. Jordán Martínez was found at fault, for his failure to stop at the red light.

9. Due to the magnitude of the pain that Plaintiff was suffering, he went to seek medical help at the Emergency Room of Doctors' Center Hospital in Arecibo, P.R., where x-rays were taken, and Plaintiff was diagnosed with multiple traumas, head trauma and lacerations.

10. As a result of the injuries sustained by the accident averred herein, Mr. Chayanne García Barbosa suffers from physical limitations and pain which, in turn, have resulted in an impairment of one or more activities of his daily life.

11. The statute of limitations of the causes of actions exerted herein was tolled by the filing of civil no. CIDP2012-0017 on August 14, 2012, which plaintiff voluntarily dismissed on January 10, 2014, and judgment was subsequently entered pursuant thereto on January 17, 2014.

III. LIABILITY

12. The accident averred herein was caused by the negligent and careless driving and operation of PREPA's 2006 International 7300, license plate no. H-46381 and its corresponding trailer, license plate no. 100278-A, driven by Mr. Luis Jordán Martínez, with the express consent, during the course of his employment and/or for the

economic benefit of PREPA on August 16, 2011, without taking the corresponding safety measures, such as not stopping at a red light.

13. As the registered owner of the 2006 International 7300, license plate no. H-46381 and its corresponding trailer, license plate no. 100278-A, driven by Mr. Jordán Martínez on August 6, 2011, defendant PREPA, is liable for the injuries caused by the Mr. Jordán Martínez's negligent, careless driving and operation of the vehicle in question.

III. DAMAGES

14. As a result of defendants' negligent acts and/or omissions in the operation of the 2006 International 7300, license plate no. H-46381 and its corresponding trailer, license plate no. 100278-A, driven by Mr. Jordán Martínez on August 6, 2011, Plaintiff, Chayanne García Barbosa, suffered multiple body injuries, including trauma to his neck, back and left shoulder, for which he has required medical treatment and care.

15. As a result of defendants' negligent acts and/or omissions in the operation of the 2006 International 7300, license plate no. H-46381 and its corresponding trailer, license plate no. 100278-A, driven by Mr. Jordán Martínez, on August 6, 2011, Plaintiff has suffered excruciating mental anguish and pain.

16. The physical injuries, mental anguish and pain suffered by Plaintiff as a result of the defendants' negligent acts and/or omissions are valued in the sum of \$250,000.00.

17. Plaintiff's vehicle suffered property damages amounting to \$9,500.00, as a result of which it was declared a total loss.

18. Defendants have been obstinate and according to the laws of Puerto Rico, they are not only liable for the payment of the principal claimed herein, but also for the payment of interest accrued since the date of the filing of the complaint and for the payment of attorneys' fees.

IV. JURY DEMAND

19. Plaintiff demands trial by jury on all issues so triable.

WHEREFORE, it is respectfully requested that this Honorable Court enter judgment for Plaintiff Chayanne García Barbosa and against defendant Puerto Rico Electric Power Authority, for the sum of \$250,000.00 prayed herein, as well as to pay a reasonable amount for attorneys' fees, interest and the costs of this action.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18th day of December 2014.

I HEREBY CERTIFY that on December 18, 2014, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system; which will provide notice of said filing to the attorney's of record.

s/ Richard Schell-Asad

Richard Schell-Asad - Bar No. 203207
Attorney for Plaintiff
Troncoso & Schell
254 San José St.
El Mundo Bldg., Third Floor
San Juan, PR 00901
Tel: (787) 722-0741
Fax: (787) 724-2563
e-mail: rschellasad@aol.com